

# TEXAS STATE BOARD OF EXAMINERS OF MARRIAGE AND FAMILY THERAPISTS



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Member: Texas Behavioral Health Executive Council

Darrel D. Spinks

Executive Director, TBHEC

Sarah Faszholz, MBA

Board Administrator, TSBEMFT

## MINUTES

**Friday, October 22, 2021**

The Texas State Board of Examiners of Marriage and Family Therapists met via Zoom video conference on October 22, 2021. The following Board members were in attendance: Lisa V Merchant, PhD, LMFT, Chair; Russell F Bartee, PhD, LPC-S, LMFT-S; Jodie Elder, PhD, LPC-S, LMFT; George Francis, IV, MBA; Evelyn Husband-Thompson; Jeanene L Smith, MA, LPC-S, LMFT-S; Daniel W Parrish; and Richmond Stoglin, MPA, DMin, LMFT. Also, in attendance were Darrel Spinks, BHEC Executive Director; Tim Speer, BHEC Director of Operations; Patrick Hyde, BHEC General Counsel; Brian Clark, TSBEMFT Attorney; and Sarah Faszholz, TSBEMFT Board Administrator.

1. The meeting was called to order at 9:09 a.m. by Chair Merchant.
2. The Board considered Item 2: approval of July 23, 2021, minutes of the videoconference Board meeting. Dr. Elder made the motion to approve the minutes. Chaplain Stoglin seconded the motion. The motion carried.
3. The Board considered Item 3: Board review and possible action regarding appeals of application for licensure denials. There were none.
4. The Board considered Item 4: Board review and possible action regarding agreed orders to be executed by the Board. There were none.
5. The Board considered Item 5: Board review and possible action regarding contested cases from the State Office of Administrative Hearings (SOAH). There were none.
6. The Board considered Item 6: Report of agreed orders executed by the Council's Executive Director, including 1062-19-0039 JM; 1062-20-0008 KL; 2021-00046 PS; 2021-00068 JM; 2021-00183, 2021-0185, and 2021-0242 MK; and 2021-00245 AW. Ms. Faszholz provided copies in meeting materials.
7. The Board considered Item 7: Report of cases dismissed by the Council's Executive Director. Ms. Faszholz provided staff's report in meeting materials.
8. The Board considered Item 8: Status report of quarterly enforcement case activities. Ms. Faszholz provided staff's report in meeting materials.
9. The Board considered Item 9: Report of compliance with agreed orders. Ms. Faszholz provided staff's report in meeting materials.
10. The Board considered Item 10: Report from Committee Chairs per Title 22 of the Texas Administrative Code, §801.11(f):
  - A. Report from Ethics Committee Chair Rev. Dr. Scoma. Dr. Merchant noted that Rev. Dr. Scoma was unable to attend today's meeting, noting Ethics Committee did not meet since last board meeting.

- B. Report from Licensing Standards Committee Chair Dr. Merchant. Dr. Merchant gave the report, calling for agenda items for upcoming Licensing Standards Committee meeting, tentatively scheduled for November 2, 2021. Proposed agenda items include
- Introducing Texas Ethics continuing education requirement for LMFT-S to assure licensees coming from outside Texas are familiar with Texas laws and rules;
  - Continuing Education as part of BHEC Standardization Work Group's topics; and
  - Social media and teletherapy guidelines.
  - Continuing education regarding services to military and veterans
  - Academic requirements in crisis management and services specific to military and veterans
- C. Report from Outreach Committee Chair Dr. Merchant. Dr. Merchant gave the report, calling for meeting of the Outreach Committee, tentatively scheduled for January 6, 2022, with proposed agenda items
- to educate public concerning differences between life coach and licensed professional; and
  - possibly to encourage increased training in crisis management and services specific to military and veterans.
- D. Report from Professional Development Committee Chair Husband-Thompson. Mrs. Husband-Thompson reported that the Professional Development Committee has not met but may schedule meeting if needed. Dr. Merchant requested the Rules Committee convene to consider:
- Continuing Education as part of BHEC Standardization Work Group's topics;
  - Review Jurisprudence Exam "preamble" to set expectations that it is not "mini licensing exam";
  - Review all questions, noting 1. which are essential, 2. which are good random questions, and 3. which may be eliminated, especially concerning BHEC structure;
  - Continuing education regarding services specific to military and veterans; and
  - Continuing education in crisis management.
- E. Report from Rules Committee Chair Mr. Francis. Mr. Francis reported that the Rules Committee has not met and called for Rules Committee meeting, tentatively scheduled on December 13, 2021. Dr. Merchant requested the Rules Committee compare AMFTRB Telehealth Guidelines to MFT rules and Psy and LPC boards' guidelines.
11. The Board considered Item 11: Discussion and possible action regarding jurisprudence exam.
- A. Discussion and possible action concerning the quarterly summary from the Texas State Board of Examiners of Marriage and Family Therapists' Jurisprudence Exam vendor. Ms. Faszholz provided vendor's report in the meeting materials along with additional information. Dr. Merchant requested Professional Development Committee convene as noted above.
- B. Discussion and possible action related to changes in the Board's Jurisprudence Exam. Ms. Faszholz provided written report in the meeting materials. Dr. Merchant requested Professional Development Committee convene as noted above.
12. The Board considered Item 12: Discussion and possible action concerning Texas Association of Psychological Associates' (TAPA) request to change the title of "Licensed Marriage and Family Therapist Associate." Atty Hyde explained the title "Licensed Marriage and Family Therapist Associate" is established by statute and the Board lacks authority to alter statute.
13. The Board considered Item 13: Report from the Board Chair. Dr. Merchant gave the report, noting her recent attendance as AMFTRB Virtual Delegate Meeting and providing update from AMFTRB. Dr. Merchant called upon Darrel Spinks, BHEC Executive Director, who explained that the Psychology Interjurisdictional Compact (PSYPACT), provided status of Department of Defense (DoD) and Council of State Governments (CSG) efforts toward creating SW and LPC compacts, and noted that an MFT compact is such an expensive project to launch that it would take a large entity, such as AMFTRB or DoD. Also, Dr. Merchant called upon Jennifer Smothermon, currently serving as President Elect for AMFTRB and on the Mobility Committee, who reported attending meeting convened by DoD and CSG and, at that time, determined it was not in best interest of AMFTRB stakeholders to take lead on 50-state-compact. Dr. Merchant plans to present at TAMFT in April

2022 and invited board member to join as co-presenter, noting session proposal is due to TAMFT by end of November. Dr. Merchant appreciated progress of BHEC and staff.

14. The Board considered Item 14: Report from the Board's Delegates to the Texas Behavioral Health Executive Council. Ms. Faszholz provided written reports in meeting materials. Atty Hyde provided clarification concerning rule-related activities, including status of rule changes due to legislative action. Mr. Francis and Ms. Smith provided updates and led the discussion. Ms. Smith called for board members to provide her with their input for BHEC Standardization Work Group. Chaplain Stoglin asked the delegates to relay to the Council concerns for specialized care from all BHEC license types for military service members, veterans, and military families. Atty Hyde clarified budgetary concerns will persist until next legislative session, when SOAH bill pattern may be corrected. Mr. Francis reported that BHEC Travel Committee met and discussed the issue. Dr. Elder advocated that budget at least allow board members to attend stakeholder conferences. Mr. Francis reported BHEC Fee Committee met and will recommend to the Council that MFT fees largely remain the same. Mr. Francis reported Fee Committee discussed flat fee and fee based on projected earning potential and requested board members' thoughts on this issue. Ms. Smith reported that one suggestion was to lower continuing education requirements to reduce costs to licensees; this suggestion was rejected by the committee.
15. The Board considered Item 15: Report from the Board Administrator. Ms. Faszholz gave the report, displaying webpages for MFT Board News, Fingerprint Information, Contact Us, Statutes and Rules, and How-To User Guides. Mr. Speer reported supervisor's portal in process, projecting summer 2022 implementation. Dr. Merchant and Ms. Faszholz reported LPC Board's Rules Committee meeting and recommended rule change to 681.83 *Academic Course Content* to streamline transcript review for counseling-related degrees such as Master of Marriage and Family Therapy. Atty Hyde reported this rule recommendation is scheduled for the Council's review on October 26, 2021. Dr. Elder requested update on research project related to AAMFT Supervisor Candidate. Ms. Faszholz thanked staff for great progress toward scanning the board's records into the database and reported that the research has begun but will be slow process. Dr. Bartee expressed concern about those individuals who began the AAMFT Supervisor Candidate program, was awarded Texas Supervisor status based on candidacy, and may not have completed AAMFTB Approved Supervisor program.
16. The Board considered Item 16: Discussion and possible action regarding future priorities and activities of the Board.
  - Chaplain Stoglin reported need for care specific to military service members' and veterans' combat experience and traumatic brain injury as well as military families who suffered from trauma and hardship due to service members' deployment. Ms. Smith advocated for Veterans Affairs (VA) to establish national continuing education to address trauma in clinical veterans. Chaplain Stoglin requested invitation be extended to VA to future BHEC meeting.
  - Dr. Merchant noted one result from AMFTRB study was that therapists are finding increased need for competency in crisis management and directed committee to review academic requirements.
  - Ms. Smith reported having discussion with Jennifer Smothermon, AMFTRB Chair for telehealth guidelines and will provide information to BHEC Standardization Work Group concerning continuing education for telehealth.
  - Dr. Elder requested committee review of social media guidelines and telehealth guidelines. Dr. Merchant directed committee to compare AMFTRB telehealth guidelines, Psy and LPC boards' social media guidelines, and MFT current rules.
  - Dr. Elder expressed concern about "coaching" loophole after recent cases. Ms. Smith opined this is an education issue and suggested Outreach Committee consider the issue, perhaps a pamphlet could be developed.
  - Chaplain Stoglin noted budgetary and Austin facility constraints concerning in-person meetings and suggested the board convene outside Austin in the spring.
17. The Board opened Item 17: Public comment:

- Sandra Martin, LPC, Governmental Liaison for Christian Counselors of Texas (CCT), noted in SW Board meeting on October 8, Director Spinks mentioned that 1400 people signed up for lunch-time webinar; this is an indication of the interest and lingering questions the public has about BHEC. Ms. Martin asked the board members to consider this when deciding how many and which BHEC questions to eliminate from the Jurisprudence exam. Ms. Martin commended Pamela Bermender, LMFT-S, who represents Christian Counselors of Texas, for her dedicated and exemplary service as liaison to the MFT Board. Also, Ms. Martin expressed appreciation of the Board Members' service and thanked Chaplain Stoglin's reference to "the Great State of Texas."
  - Pamela Bermender, LMFT-S, Governmental Liaison and Continuing Education Committee of the CCT, surprised by Ms. Martin commendation, expressed heartfelt thanks to Dr. Bartee for his exceptional ethics presentation at the CCT Annual Conference in August 2021. Ms. Bermender thanked staff for the *Consolidated Rulebooks* and expanded FAQs and information on the BHEC website as these features are very helpful to license holders in keeping up with rapid changes of this past year. Ms. Bermender appreciated the Board Members' deliberate and candid discussion of the very many topics that touch on significant and overlapping events that are impacting people's lives and their mental health – such as licensing portability, mobility, telehealth, supervision requirements, and other jurisdiction considerations – while preserving the legitimacy and integrity of the MFT profession and standards in Texas.
21. The Board considered Item 21: Announcements and comments not requiring Board action.
- October 26, 2021 BHEC mtg
  - October 29, 2021 Insights Over the Lunch Hour: An Opportunity to Visit with Executive Staff
  - November 30, 2021 end of TAMFT's call for session proposals
  - January 21, 2022 MFT Board Mtg
  - February 1, 2022 BHEC mtg
  - April 7-9, 2022 TAMFT in Fort Worth – Chair Merchant to present
22. The meeting was adjourned at 12:13 p.m. by Chair Merchant.